

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Shane Morrow, #249332,)
Plaintiff,) C/A No. 0:10-1199-MBS-PJG
vs.)
Pickens County Detention Center; Medical)
Staff Marry Hammond, Secraerity; Head)
of Staff Mantince; Sanitizors; Health)
Inspector; Director Catherine Vissage;)
Warden Cpt. Phill Sargeant,)
Defendants.)
-----)

O R D E R

Plaintiff Michael Shane Morrow is an inmate in custody of the South Carolina Department of Corrections. At the time of the underlying complaint, Plaintiff was a pretrial detainee at the Pickens County Detention Center in Pickens, South Carolina. Plaintiff, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 on May 11, 2010, alleging that his constitutional rights were violated in various respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. On June 28, 2010, the Magistrate Judge issued a Report and Recommendation in which she recommended that the complaint be dismissed for failure to state a claim upon which relief may be granted as to Defendants Pickens County Detention Center; Secraerity; Head of Staff Mantince; Sanitizors; and Health Inspector. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report and Recommendation. Plaintiff’s complaint is dismissed without prejudice and without issuance and service of process as to Defendants Pickens County Detention Center; Secraerity; Head of Staff Mantince; Sanitizors; and Health Inspector. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

July 26, 2010.